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11 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 CITY AND COUNTY OF SAN FRANCISCO, et al.,  
14 Plaintiffs,

Case No. 4:19-cv-04717-PJH  
Case No. 4:19-cv-04975-PJH  
Case No. 4:19-cv-04980-PJH

15  
16 U.S. CITIZENSHIP AND IMMIGRATION SERVICES,  
et al.,  
17 Defendants

## JOINT STATUS STATEMENT

Dept: Courtroom 3, 3<sup>rd</sup> Floor  
Judge: Hon. Phyllis Hamilton  
Trial Date: Not set.  
Action Filed: August 16, 2019

19 **STATE OF CALIFORNIA, et al.,** Plaintiffs,  
20 v.

1       The parties respectfully submit this Joint Status Statement pursuant to the Court's May 26,  
 2 2021 Order staying the three above-captioned matters. In that Order, the Court directed the  
 3 parties to file a joint status statement within 14 days of the U.S. Supreme Court's disposition of a  
 4 motion filed by Arizona and twelve other States to intervene directly in the Supreme Court for the  
 5 purpose of filing a petition for a writ of certiorari respecting the Ninth Circuit's decision  
 6 affirming this Court's preliminary injunction enjoining enforcement of the 2019 public charge  
 7 rule or the Northern District of Illinois's disposition of a motion to intervene and reopen final  
 8 judgment, whichever is later.

9       On October 29, 2021, the Supreme Court denied the motion to intervene directly in the  
 10 Supreme Court. *Arizona v. City & County of San Francisco*, No. 20M81 (U.S. Oct. 29, 2021).  
 11 However, on the same day, the Supreme Court granted a petition for a writ of certiorari filed by  
 12 the same States, challenging the Ninth Circuit's decision denying a motion to intervene in the  
 13 court of appeals. The Supreme Court limited the grant to Question 1 raised in the petition,  
 14 "Whether States with interests should be permitted to intervene to defend a rule when the United  
 15 States ceases to defend." *Arizona v. City & County of San Francisco*, No. 20-1775 (U.S. Oct. 29,  
 16 2021). A decision in that case is expected by July 2022. In a separate case challenging the 2019  
 17 Rule, the Northern District of Illinois denied a motion filed by a similar group of States seeking to  
 18 intervene and to reopen the judgment in that matter. *Cook County v. Pekoske*, No. 19-cv-6334  
 19 (N.D. Ill. Aug. 17, 2021). Those States filed a notice of appeal to the Seventh Circuit on August  
 20, 2021, and filed their opening brief on November 3, 2021. *Id.*, Dkt. 287; *see also Cook County*  
 21 *v. Texas*, No. 21-2561, Dkt. 29 (7th Cir. Nov. 3, 2021). Those appellate proceedings are ongoing.

22       Given these circumstances, the parties respectfully request that the Court continue to stay  
 23 all proceedings in the three captioned matters and direct the parties to submit a Joint Status  
 24 Statement within 14 days of the Supreme Court's disposition of matter No. 20-1775.

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 26       //  
 27       //  
 28       //

1 Dated: November 12, 2021

Respectfully Submitted,

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## ATTESTATION OF CONSENT TO FILE ELECTRONIC SIGNATURE

I, Sara Eisenberg, attest that I have obtained, from each of the other Signatories, their concurrence in the filing of this Joint Status Statement with their electronic signatures.

Dated: November 12, 2021

/s/ Sara Eisenberg  
SARA EISENBERG